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CHAPTER VIII
EAST TIMOR

In the 1970s, East Timor -- like Pol Pot's Cambodia and Idi Amin's Uganda -- became an international symbol of mankind's seemingly unbounded capacity to inflict horrors upon itself. The staggering level of violence attending Indonesia's invasion of the Portuguese colony in December 1975, and the continuing episodes of summary execution, disappearances and torture that characterized Indonesia's efforts to subdue resistance in the early years of its occupation, need little elaboration.

Thirteen years after the invasion, some of the worst excesses of the occupation forces have abated, but the Timorese people continue to suffer daily violations of fundamental rights. The rights to freedom of speech, association and movement remain subject to severe restrictions. Residents consistently describe a climate of fear, reinforced by a pervasive security apparatus.

In recent years, there have been comparatively few documented cases of disappearances, or extrajudicial execution, although reports of torture continue and continued access to East Timor by independent investigators impede efforts to obtain detailed information. And the Indonesian government's failure to account for all but a handful of the many thousands thought to have "disappeared" since 1975 is a continuing affront to the rule of law.

Developments on another front have also served to highlight recent violations. In the past year over one hundred political prisoners have been released from East Timor's prisons. By all accounts, they were convicted under procedures lacking any semblance of fair process. Released prisoners and relatives of those still detained describe a pattern of severe abuse during the early days of the prisoners' detention. The reported arrests of thousands of east Timorese in October and November 1988 (all but a handful of whom were released by the end of the year) indicate that arbitrary patterns of arrest and detention remain prevalent.

Finally, while the Indonesian government allows the International Committee of the Red Cross -- which practices confidentiality respecting information it obtains while providing a range of humanitarian services -- to operate in East Timor and has recently allowed some diplomats and journalists to visit under strictly-controlled circumstances, the territory remains largely shut off from the outside world.*

A. BACKGROUND

For over a decade, Indonesia has governed East Timor -- which it formally annexed in July 1976 -- as an occupation force whose sovereignty is not recognized by the United Nations.** The occupation began with Indonesia's invasion of East Timor on December 7, 1975, but the process of transition from Portuguese to Indonesian rule was set in motion some time before then.

The government that came to power in Lisbon in April 1974 was committed to allowing Portugal's colonies to exercise their right to self-determination. In November 1974, Lisbon sent Lemos Pires to East Timor to serve as the colony's new governor; his main project was to implement a program of decolonization.

In the wake of Lisbon's decision to end its colonial practices, two main political associations were formed in East Timor; both were committed to the colony's eventual independence. The *Associaçao Social Democratica Timorense,* which was inaugurated on May 20, 1974 and later became known as

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* Although the Indonesian government announced that East Timor would be "open" as of January 1, 1989, it was not clear what this entailed. Travel restrictions were likely to be eased between East Timor and Indonesia proper, but access by foreigners to the territory was likely to remain strictly controlled.

** The international status of East Timor is beyond the scope of this report.

the *Frente Revolucionaria de Timor Lexte* (Fretilin), favored immediate recognition of East Timor's right to independence, and implementation within three to ten years. The *Uniao Democratica Timorense* (UDT), which was founded on May 11, 1974, favored eventual independence following an extended transition period of continued association with Portugal. A small minority of the population supported a third organization, the *Associaçao Popular Democratica Timorense* (Apodeti), which favored integration with Indonesia.

The Indonesian government had never previously laid claim to East Timor. But faced with Timor's imminent decolonization, the Suharto government made it clear that the territory's independence was undesirable, and that independence under Fretilin control was unacceptable.* Ali Murtopo, then deputy head of the State Intelligence Coordinating Body, conveyed this during meetings with representatives of the UDT in Jakarta in April and late July 1975. During the months between the two meetings, tensions between Fretilin and the UDT became increasingly sharp, and on August 11, 1975, the UDT staged a coup.

A civil war between Fretilin and UDT forces lasted for several weeks in August and September 1975, claiming an estimated 1,500 to 2,000 lives. Portuguese civil and military authorities withdrew from the mainland on August 29, 1975. Fretilin forces prevailed in the civil war, and established a *de facto* administration.

UDT forces withdrew into Indonesian territory, and announced that they favored integration with Indonesia. The retreating forces had been met at the border by Indonesian officials who reportedly insisted, as a condition of al-

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* Informed observers believe that Indonesian authorities were reluctant to allow a precedent for a successful independence movement within the archipelago that might encourage secessionist movements in Indonesia itself, such as the Organisasi Papua Merdeka in Irian Jaya. Additionally, officials such as General Murtopo are said to have been especially concerned about the prospect of a leftist government coming to power in East Timor. See Jill Jolliffe, Timor: Terra Sangrenta [Timor: The Killing Fields], to be published by Editora O Jornal, Lisbon, Autumn 1988.

lowing passage across the border, that the UDT sign a request for integration with Indonesia.*

Both before and after the UDT'S retreat, Indonesian troops had made repeated incursions into East Timor, accompanied by UDT and other Timorese partisans; the Indonesian government claimed that the attacks were solely the work of UDT and Apodeti -- an extension of East Timor's civil war. Faced with Lisbon's passivity and mounting attacks by Indonesian forces, Fretilin declared the independence of the Democratic Republic of East Timor on November 28, 1975.

Three days later, Radio Kupang, located in Indonesian territory, broadcast a proclamation of East Timor's integration with Indonesia. The broadcast said that UDT and Apodeti leaders had called on Indonesia to liberate East Timor from Fretilin's control. In the following days, there were mass evacuations from East Timor's capital, Dili, and on December 7, 1975 Indonesian troops invaded Dili. Several days later, Indonesian forces attacked Baucau, the second largest city in East Timor.

By all accounts, the invading forces unleashed a campaign of extraordinary violence. Witnesses later described mass executions on Dili Wharf on December 7 and 8. One of the victims was Roger East, an Australian journalist - the only foreign correspondent who had not evacuated by the day of the invasion. A witness to the mass executions later described how he and other Timorese had been forced by Indonesian troops to bind victims together with

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* Id.

parachute cords, weight them, and drop them into the sea.* By mid-February, the vice-governor appointed by Jakarta said that 60,000 people had been killed in the six months of civil war in East Timor. Since the death toll before the December 7 invasion was thought to be some 2,000 victims, his statement meant that tens of thousands had died in just over two months.**

Fretilin suspects who were not executed and did not escape were detained, interrogated, and frequently tortured. The former San Tai Ho Company's warehouse in Dili became a notorious torture center, where screams could be heard throughout the night. Survivors later described episodes of electric shocks, beatings, burnings with cigarettes and rapes.***

The Indonesian government announced the establishment of a Provisional Government of East Timor on December 18, 1975. On May 31, 1976, a 37-member "Popular Representative Assembly" that had met in Dili voted to petition President Suharto to accept East Timor as a province of Indonesia. This "act of free choice" led to East Timor's formal annexation on

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* Jolliffe, supra, at 86.

** Id.

*** Id. at 88. See also "'Systematic Torture' in East Timor," Canberra Times, April 7, 1988; "A 'Hidden Holocaust' in the Pacific," The Boston Sunday Globe, December 13,1987; "Lisbon's Refugees From East Timor Conflict Tell of Island's Torment," The Anglo-Portuguese News, February 25, 1988. In July 1983 Amnesty International obtained a set of military manuals, apparently written by officers of the Command for East Timor, which it judged to be authentic. The manual on interrogation methods accepts the use of torture. The Indonesian government has challenged the authenticity of the manuals, but has not produced evidence supporting its position.

July 17, 1976, but was never accepted as a genuine exercise in self-determination by the United Nations.

Although Fretilin forces withdrew from Dili after the December 7 invasion, its forces -- joined by UDT and Apodeti -- continued to pose armed resistance to the Indonesian occupation. In a series of major offensives aimed at crushing the resistance throughout the remainder of the 1970s and early 1980s, Indonesian troops committed gross violations of human rights on a staggering scale.* In one, *Operasi Keamanan,* which was carried out from April to September 1981, "many thousands of civilians aged between 15 and 55 (according to the Indonesian authorities) are reported to have been deployed in human 'fences' to converge on remaining Fretilin positions," according to Amnesty International.**

Fretilin supporters and others who fled "into the bush" to escape invading forces suffered from severe malnutrition, as did others who surrendered or were captured and held in "resettlement camps."*** In November 1979, Indonesia's Foreign Minister acknowledged that the food situation in East Timor might be worse than that in Biafra or Cambodia.**** By that time, Timorese were dying *en masse* from hunger.

Another major offensive, known as *Operasi Sapu Bersih* (Operation Clean Sweep), took place in August-September 1983. It was preceded by the collapse of a ceasefire between Fretilin and Indonesian forces that was agreed upon in March 1983, and which broke down in August of that year. Although

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* These are reported in Amnesty International, East Timor Violations of Human Rights: Extrajudicial Executions, 'Disappearances,' Torture and Political Imprisonment, 1975-1984, 1985.

** Id. at 5.

*** See id. Some of the resettlement camps still exist.

**** Id.

each side to the conflict blames the other for the collapse, there is no genuine dispute over the basic facts surrounding the massacre at Kraras.

In August 1983, Fretilin forces, joined by some defecting members of the civilian militia, *hansip,* attacked a group of Indonesian soldiers in Kraras, a village near the city of Viqueque. Indonesian troops retaliated, killing perhaps 1,000 residents -- most of the town's officials and the majority of its men between the ages of 15 and 50.* A similar massacre took place in Luca, and the surviving residents of both villages were made to relocate in tightly-controlled resettlement areas.

All told, between 100,000 and 200,000 Timorese are thought to have died as a result of the armed conflict -- perhaps as much as a third of the territory's pre-invasion population.**

B. ARBITRARY ARREST AND DETENTION

Some 3000 East Timorese in Dili, Baucau, Lospalos and Viqueque were reportedly arrested around the time of President Suharto's visit to Dili in November 1988. As of January 1989, most were believed to have been released.*** The arrests highlighted the limits of Indonesia's purported shift in emphasis from wholesale intimidation to positive inducement as a way of dispelling continued opposition to its control of East Timor. The latter approach revolved around programs of intensive economic development in East Timor, but also included well-publicized efforts to improve its human rights image. Jakarta's shift in strategy was thought to have a dual objective: to "win over" the

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* Estimates of the death toll range as high as 2,000. Victims are said to have included children and the elderly.

** Amnesty International, East Timor Violations of Human Rights: Extrajudicial Executions, 'Disappearances,' Torture and Political Imprisonment, 1975-1984, 1985, at 6.

*** New York Times, January 22, 1989.

still-resistant Timorese population and to remove an irritant in Indonesia's relations with other nations.

Perhaps the most visible manifestation of the changed approach was the large-scale release of political prisoners beginning in August 1987. Within six months, some 150 political prisoners had been released from prisons in Dili. According to the Indonesian state news agency, *Antara*, the release of 52 prisoners in February 1988 brought the number of officially-acknowledged, non-criminal prisoners in Dili down to 11.* This figure does not reflect the number of prisoners from East Timor who were transferred to Cipinang prison in Jakarta. As of November 1988, 11 Timorese prisoners remained in Cipinang.) Asia Watch believes that a few more have been released since then.

Most of the recently-released prisoners had nearly completed their sentences, and were released in accordance with a standard policy on remission of sentences.** But the mass releases cannot be explained solely in terms of standard practice; some of those released in February 1988 had substantial sentences remaining. It is widely thought that the releases were prompted, at least in part, by the Indonesian government's desire to improve its tarnished image abroad.

The releases, while welcome, nonetheless served to highlight a pattern of arbitrariness that characterized the released prisoners' arrests and detention. Moreover, Asia Watch believes that the thousands of arrests reported in late 1988 show that arrest and detention practices continue to suffer from a pattern of lawlessness constituting a denial of internationally-recognized standards of justice.

1. Circumstances of Past Arrests and Detentions

Most of the prisoners released in recent years had been arrested since 1983; perhaps the majority were arrested during *Operasi Sapu Bersih*, following the collapse of the ceasefire in August 1983. Typically, the detainees were held

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* See Amnesty International, "East Timor: Unfair Trials and Further Releases of Political Prisoners", April 1988 (AI Index: ASA 21/08/88

** See Amnesty International, Id.

for an initial period of detention at the Military District or Sub-district Command in the area where they were arrested and then were transferred to Comarca Prison in Dili.

Information based upon testimony of former prisoners and relatives of prisoners indicates that virtually all of the prisoners who were arrested in 1983-84 were initially held for long periods of *incommunicado* detention, during which many were tortured. Some later "disappeared." On April 27, 1985, 50 detainees arrested during *Operasi Sapu Bersih* were released without having been charged or tried.

Between 1983 and 1987, some 350 detainees were tried -- all were convicted -- before the District Court in Dili. It appears that these trials were based largely on formal confessions taken during police interrogations at the public prosecutor's office in Dili in a building formerly used by the Club Benfica. Based upon interviews with former detainees and relatives of detainees, Asia Watch believes that two key forms of treatment were systematically employed to obtain their confessions.

First, it appears that none of the prisoners was allowed to see his relatives until he was tried (or, in the case of those released without trial in April 1985, until his release). The detainees at Comarca apparently were told by their interrogators that they had no right to see their families until they were tried, and were urged to confess so that the trials could proceed and they could resume contact with their families. Cristiano Costa, who was arrested in Baucau on August 28, 1983 and was transferred to Comarca five days later, says that his police interrogators also told him that no one could be released unless he had "passed through a court." In his case this proved not to be true; Costa was among those released on April 27, 1985 without having been charged or tried.*

Second, it appears that the public prosecutor often persuaded detainees to testify against other detainees from their own area, and then "bootstrapped" each witness's testimony to build a case against him. According

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* Costa recently managed to leave East Timor, and arrived in Lisbon, Portugal in February 1988. He testified before the United Nations Human Rights Commission in Geneva in March 1988. Asia Watch interviewed him in Lisbon in May 1988.

to Costa, when he was being questioned by the police in Dili, two other prisoners from his home town would be present. Had he signed the statement, the two witnesses -- who were not the same people during every interrogation session -- would sign the statement, and it would form the basis of a prosecution.

By signing the statement, the witnesses would not merely be attesting to the fact that they saw the defendant sign the confession; they would be attesting to personal knowledge of the truth of the facts in the confession. Costa says that in other cases where such witnesses complied with the public prosecutor's efforts, they were later tried themselves. By "admitting" that they had personal knowledge of a defendant's guilt, these "witnesses" often implicated themselves.

This account is consistent with a statement of one of the court-appointed lawyers who represented the defendants in the Dili trials. She told *Far Eastern Economic Review* that it is "quite normal for an inmate to appear one day on the stand and the next day in the dock."*

Costa's account is also consistent with information published by Amnesty International. According to Amnesty, Carlos Freitas and Jacinto Freitas, both from Wailili, testified against Sebastiao Sarmento, who was also from Wailili.** All three were tried and convicted in February 1985. Similarly, Jose Belo, Jose Freitas and Jose Ximenes -- all of whom are from Gariwai -- reportedly testified against Rafael Xavier, and each became a defendant himself. All four were convicted. According to Amnesty International, "[a]ll of the men in question were peasants with almost no education, and it is unlikely that they un-

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* "Political Prisoners Get Fast Justice in Court," Far Eastern Economic Review, August 8, 1985 (apparently paraphrasing source))

** Amnesty International, "East Timor: Unfair Trials and Further Releases of Political Prisoners," April 1988 (AI Index: ASA 21/08/88).

derstood the consequences of their agreement to sign the [interrogation statements] and testify against each other."*

Ironically, this practice appears to have been prompted by the Dili prosecutor's efforts to satisfy a procedural law designed to protect defendant's rights. The Indonesian Criminal Procedures Code (KUHAP) requires that convictions be based on at least two separate sources of evidence.** It appears that the public prosecutor in Dili was especially inclined to find two witnesses to a defendant's interrogation statement when the confession itself was thin.***

By all accounts, the trials in Dili violated international standards of due process. The trials appear to have been perfunctory, with little preparation by defense counsel. When some 100 defendants had been tried, *Far Eastern Economic Review* reported that all had pled guilty. Three court-appointed lawyers from Kupang who represented all of the defendants in Dili explained that guilty pleas saved time, and that they sought "only to lighten the sentence."****

Statements by the presiding judge similarly suggested that the Dili defendants were not allowed to challenge the accusations against them in any meaningful sense. The head of the District Court, L.P. Siregar, SH, told Sinar Harapan that "[i]f all trials could be like those in East Timor, the task of the legal profession would be easy." + He explained:

> Those [defendants] who came before the green baize [i.e., the court] are all honest .... When they're asked if the accusation

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* Id.

** Law No. 8 of 1981, Art. 183.

*** See Amnesty International, "East Timor: Unfair Trials and Further Releases of Political Prisoners," April 1988 (AI Index: ASA 21/08/88).

**** "Political Prisoners Get Fast Justice in Court," Far Eastern Economic Review, August 8, 1985.

\+ "Is it Wrong for a Child to Return to the Mother Who Gave it Birth?" Sinar Harapan, September 3, 1985.

> of the prosecutor is correct, they always say yes .... And they never deny anything in their interrogation depositions, so the whole process goes smoothly.*

Indeed, few of the trials lasted more than a week; many reportedly were much shorter.

Perhaps the most striking indication that defendants were not permitted to contest the charges against them is that only one of the defendants tried in recent years has sought to appeal his sentence. Judge Siregar attributes this to the "honesty" of the Timorese defendants. *Sinar Harapan* reported that, according to Siregar,

> [i]f [the defendants] are sentenced, they never make an appeal, even if their defence counsel urges them to do so. The reason, they say, is that everything they are accused of is true, and they admit their error. "After the sentence is announced, these criminals even express their thanks and ask for a joint photograph!"**

Former detainees and relatives of convicted prisoners offer a different explanation. A relative of one convicted prisoner told Asia Watch that the defendant was told that he had to accept his sentence, and that if he "complained" about it -- i.e., appealed it -- he would get a heavier sentence on appeal.*** When another defendant indicated that he would not accept his sentence, "the military just put in front of him a gun and a pen to choose between," according to another detainee. It appears that the defendant was asked to sign something -- presumably signifying his acceptance of the verdict -- at the time the sentence was rendered.

2. Current Arrest and Detention Practices

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* Id.

** "Is it Wrong for a Child to Return to the Mother Who Gave it Birth?" Sinar Harapan, September 3, 1985.

*** The KUHAP permits appellate courts to increase defendants' sentences.

With human rights organizations unable to visit East Timor, information about current arrest and detention practices is limited. The arrests of October-November 1988 were the first to reach the international press since the arrest of three East Timorese students in Jakarta in late 1986. The lists of released prisoners made available by the Indonesian government after August 1987 revealed that hundreds of people had been arrested in the two years prior to that of whom human rights organizations had no knowledge.

Controls of information masked the extent of arrests and detention; public steps were generally in the direction of improvement: The Indonesian government returned all those held against their will on the island of Atauro to the main island in February 1987. The island, which had been used as a kind of penal colony, had held over 4,000 prisoners in 1982.* The closing of Atauro was consistent with the government's broader efforts, noted above, to release political prisoners in East Timor.

At least some degree of independent monitoring of detainees also became possible. In March 1985 the Indonesian government agreed to allow representatives of the Geneva-based International Committee of the Red Cross (ICRC), a neutral humanitarian agency, to visit Timorese prisoners detained in Dili and on Atauro. The government also agreed to provide the ICRC with lists

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* This process began in 1985 and continued throughout 1987. International Committee of the Red Cross, The ICRC Worldwide 1987, at 21.

of detainees undergoing interrogation to whom the ICRC did not have access.* Since then, the ICRC has periodically visited Timorese prisoners at two places of detention in Dili -- Becora and Comarca**.-- and at two prisons in Jakarta where some Timorese were sent to complete their prison terms -- Cipinang and Tangerang.***

It is widely asserted, however, that the Indonesian government continues to maintain a "shadow detention system" to which the ICRC has no access, in which detainees can to be held without charge or trial.**** One notorious place of detention is said to be a former hotel called Hotel Flamboyou, now used as a military guest house. Two Timorese refugees in Lisbon who had worked with the ICRC before leaving East Timor + told Asia Watch of places outside Dili where detainees were held without charge or trial --and without notification to the ICRC.

The Indonesian Army maintains military commands at the district and sub-district levels throughout East Timor (the former is known as Kodim, and the latter as Koramil), where detainees can be held, usually briefly, for interrogation. Even if a detainee were eventually charged and tried in Dili, he would have to be arrested and initially detained by local authorities. Timorese refugees in Lisbon say that the Babinsa, a military supervisor who operates at the village level, sometimes arrests people and sends them to Koramil, which may detain the suspect at its own facility, release him, or send him on to Kodim. Kodim, in

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* International Committee of the Red Cross, Annual Report 1985, at 60.)

** Becora is operated by the Ministry of Justice, and holds both criminal and political prisoners. Comarca, which is administered by the army, is now supposed to be used only for soldiers who commit offenses

*** International Committee of the Red Cross, Annual Report 1985, at 60; Annual Report 1986, at 58-59. In 1987, ICRC delegates made three series of visits to detainees in East Timor, seeing a total of 231 detainees. International Committee of the Red Cross, The ICRC Worldwide 1987, at 21.

**** See, e.g., "A 'Hidden Holocaust' in the Pacific," The Boston Globe, December 13, 1987.

\+ The refugees were employees of the Indonesian Red Cross, which collaborates with the ICRC in its humanitarian work in East Timor.

turn, may either detain the suspect, release him, or transfer him to Dili, where he might be detained at the Military Command (Korem) -- again without charge or trial -- or might be prosecuted.

Asia Watch has also continued to receive reports that Fretilin suspects are detained by the Red Berets, (*Kopassandha*), an elite Army commando regiment. For example, Cristiano Costa claims that, following attacks on August 17, 1987 by Fretilin in the villages of Laisoro-Lai and Seical -- both in the vicinity of Baucau, the Red Berets "rounded up" a number of suspects and detained them at the Hotel Flamboyan, where some were beaten.

Asia Watch was told of another detention by the Red Berets in Dili, said to have begun in late 1986 and to have lasted at least nine months. Relatives of the detainee reportedly were threatened "not to say anything" about the detention.*

3. Torture

Like reports of arbitrary arrest and detention, reports of torture of detainees in East Timor persist, but are difficult to verify. On December 5 1988 the Roman Catholic Bishop of Dili, Msgr Carlos Felipe Belo issued a statement asserting that suspects undergoing interrogation were routinely subjected to "blows, kicking and beatings."** Instances of torture of some of the detainees arrested in 1983 have been reliably reported, and appear to reflect a widespread pattern of treatment of persons arrested during *Operasi Sapu Bersih*. Recent reports of abuse probably represent a fraction of the total.

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* As noted below, there continue to be reports of torture at such facilities; the fact that these detention centers are not visited by ICRC representatives or by other independent investigators increases the risk of such abuses. It is not clear whether the ICRC could visit such detention centers if it sought permission. Its annual reports for 1985 and 1986 say that ICRC representatives have visited Comarca and Becora, but do not indicate whether attempts were made to visit other detention facilities. To our knowledge, the ICRC generally attempts to visit all detention facilitieswhere detainees may be held for politically-related offenses, but some governments deny the group permission to visit pre-trial detention centers even though they permit ICRC visits to prisons.

** New York Times, January 22 1989

Cristiano Costa

Cristiano Costa, who was arrested on August 28, 1983 and detained at Kodim-1628 in Baucau for five days, told Asia Watch that he was severely abused during the second and third nights of his detention. He says he was interrogated on those occasions by three "Indonesians," who were assisted by a Timorese translator. The former were led by a Captain A. Haryanto, and included two sergeants, one of whom was named Sukadi.

Costa, whose two front teeth are missing, told Asia Watch:

> On the second night, they started beating me, and this is when they broke my teeth .... [They] started to beat me. Then I fell face down and I was on the floor with my face down and they stepped on my head with their boots while I was still on the floor and that's how I broke my teeth.

The following night, the same group interrogated Costa again. This time, Costa recalled, they applied electric shocks with a machine that looked like "one of those old-fashioned telephones that you have to crank, and there was some kind of battery or small generator." Two wires that extended from this device were attached to various parts of Costa's body, he asserted, and "the electric current came through when they did this cranking." Costa, who was transferred to Comarca five days after his arrest, says he was also beaten for the first two weeks of his detention -- i.e., at both Kodim-1628 and in Comarca.

Albino Lourdes

Albino Lourdes, who is currently imprisoned at Cipinang in Jakarta, was arrested twice in 1983 and reportedly was severely abused each time. Lourdes, who was employed as a nurse in the military hospital in Dili, was first arrested in mid-January 1983 and was detained by Kodim in Dili for 15 days. He was accused of "contacting the people in the bush," but was not formally charged with a crime. After his release, Lourdes told someone, whom Asia Watch was able to interview, that he was beaten and given electric shocks. Then,

> [T]hey put a table on top of his body, and four soldiers got on it. In the morning they took all his clothes off and took him to the seaside with his hands tied behind his back. And then, with the Indonesians holding on to the other side of the rope, they

kept throwing him into the water and every five minutes or so they would pull him out.

When Lourdes was about to be released, he was warned that if he told anyone about his treatment, he would be rearrested -- "but this time, the treatment would be far worse."

Lourdes was arrested again on August 12, 1983, this time by agents of Korem. That night, he was once again given electric shocks and was beaten with rifle butts.*

Reports of Torture in since 1986

Because of restrictions on access to East Timor, continuing reports of torture tend to emerge long after the alleged incident occurred. One allegation however, dates from mid-1988. In August, a delegation from the European Parliament visited East Timor at the invitation of the Indonesian government. They requested to visit the Hotel Flamboyan in Baucau which Amnesty International had described as containing an interrogation center where reports of torture were common. The delegation duly visited the hotel after being stalled by local officials in the marketplace and saw nothing amiss. On their return to Dili, however, they learned from Catholic church sources that a man was reported to have been tortured in the Hotel Flamboyan on July 6, one month before their visit.

One of these involved Aleixo Guterres, who was arrested in late 1986 and was accused of collaborating with Fretilin. Guterres was detained by Kotis,

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* The following day, Lourdes and several other prisoners were taken to Bali. In November 1983, Lourdes's family learned for the first time that he had been returned to Dili and was detained at Comarca. They were unable tosee him, however, until after his trial in March 1984. Lourdes was sentenced to 17 years' imprisonment, having been found guilty of supplying clothes and medicines to the armed resistance.

the intelligence branch of the Regional Military Command. While detained, Guterres reportedly was beaten severely and was burned with lighted cigarettes.*

Amnesty International has also obtained independent corroboration in the case of Vicente de Sousa, a retired nurse who was arrested by Indonesian military officers on February 14, 1987. De Sousa reportedly was accused of having desecrated a statue in front of a church in Dili, and was detained for one week by Kotis. While detained, de Sousa reportedly was beaten and submerged in a tank.**

Asia Watch has been able to obtain independent corroboration of another reported instance of torture publicized by Amnesty International. Celestino Freitas, a former village chief from Samalari, Baucau, was detained on October 12, 1986 by Indonesian Special Forces. Although Freitas was accused of having links to Fretilin,*** Asia Watch believes that he was denounced by someone for personal reasons. While detained, Freitas reportedly was subjected to electric shocks during interrogations. Under these circumstances, he reportedly implicated two other men -- Egidio Freitas and Patricio Da Luz -- who later were said to have been arrested and tortured themselves.****

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* Amnesty International, "Indonesia/East Timor: Allegations of Torture," March 1988 (AI Index: ASA 21/05/88). Guterres was tried in early 1987 and was sentenced to seven years' imprisonment.

** Id. Under the circumstances of de Sousa's reported detention, the ICRC would not, under its current arrangement with the Indonesian government, have been in a position to visit de Sousa while he was detained.

*** The charge apparently grew out of a recent murder of a civilian militiaman, possibly committed by Fretilin.

**** See Amnesty International, "Indonesia/East Timor: Allegations of Torture," March 1988 (AI Index: ASA 21/05/88).

Today, there are relatively few documented cases of disappearances. This may be partly a function of the typically long lapse between a person's disappearance and the reporting of it by relatives, but Asia Watch believes that there has probably been a decline in the rate of disappearances since 1983-84, when sweeping human rights abuses attended *Operasi Sapu Bersih*. Large numbers of suspects detained during that operation entered the grim ledger of East Timor's disappeared. They include five residents of Baucau who were arrested in August 1983: Adolfo Fraga; Antonio Espirito Santo; Benjamin Guterres; Isidoro Ximenes; and Carlos Alves. Before his own arrest on August 28, 1983, Cristiano Costa saw the five being arrested with their hands tied behind their backs and taken away in an army vehicle.

The five were taken to Dili, and from there to Kupang some months after their arrest. Other prisoners taken to Kupang who later returned to Dili told Cristiano Costa that the five who disappeared were taken from detention in Kupang, and never returned.

Other prisoners were taken from Comarca prison in pairs at night in or around November 1983, and were never seen again. These pairs of disappeared include Paulo Mesquita and Alfonso Lorenzo Pereira; Paulo Rodrigues and Feliciano Mau-Siri; and Julio Maio and Marcelino Pinto. Helder Araujo and Joao Carvalho Belo were later taken from Comarca, separately.

More recently, Domingos de Castro, an official of the Economic and Development Services in Aileu, disappeared after meeting with intelligence officers in early December 1987. Before his disappearance, de Castro said that he was approached in late November 1987 by a major of the intelligence division of the Special Forces, and was questioned about his support for Fretilin. According to de Castro, he admitted that he supported a proposal for a negotiated settlement of the East Timor conflict put forth by Fretilin leader Xanana Gusmao. In a second meeting, de Castro was asked to write to Xanana, urging him

to surrender. Shortly before his disappearance, he reportedly drafted a letter that the intelligence officers considered unsatisfactory.*

People reported to have disappeared in recent years have often eventually surfaced in military custody. It is believed that those who disappeared in earlier years were often killed by their captors.**

5. Extrajudicial Executions

Like reports of disappearances, reports of extrajudicial executions have declined since 1983-84. Occasional reports nonetheless persist.

Reports of extrajudicial executions that have emerged from East Timor in recent years but which have not been corroborated include the following:

- On February 23, 1986, an inmate of a prison in Ossu, Viqueque whose name was "Armando" reportedly was stabbed to death by a military officer and a member of *hansip*.
- On March 3, 1986 Vatxu Tani reportedly was killed by members of the First Marine Battalion. Vatxu Tani, a tribal chief in Maluro, Lore, Viqueque, reportedly was arrested because he opposed the marines' efforts to cut down casava plants, a local food staple, which the marines believed provided cover for Fretilin guerrillas. The victim is said to have been taken on a flight to Lospalos and to have been killed by officers accompanying him during the flight.
- Jlio Sarmento reportedly was captured while participating in a Fretilin raid in Holorua, Same and taken to a post of the Indonesian Special Forces in Ainaro. There, he reportedly was tortured during interrogation and then shot on September 4, 1986.***
- Domingos da Costa and Gasper, both of whom were members of *hansip*, the civilian militia, reportedly were shot to death on February 24,

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* See Statement on East Timor by Amnesty International to the United Nations Special Committee on Decolonization, August 12, 1988.

** See id.

*** The first three cases were described in the Statement of Amnesty International to the United Nations Special Committee on Decolonization, August 13, 1987.

1988 by the 721 Battalion of the Indonesian Army during a patrol in the Cumoli-Venilale zone.

While it has not been possible for independent human rights organizations to verify these reports, the serious allegations merit investigation by the Indonesian government.* Yet Asia Watch is not aware of any investigations of reports of human rights violations in East Timor by the Indonesian government. According to Amnesty International, "not one person has been prosecuted for alleged human rights offences in East Timor despite admissions from the government that some 'mistakes' may have been committed."**

6 Restrictions on Movement, Speech and Association

By all accounts, residents of East Timor suffer daily violations of fundamental freedoms. One informed observer described the situation this way: "Freedom of movement, association and speech is in no way even imaginable" in East Timor.

Some restraints are embodied in formal controls. Until moves toward opening the territory began in mid-1988, the Indonesian authorities required all residents to have a travel permit (*surat jalan*) to move from one region of East Timor to another; both civilian and military authorities had to approve these permits. When permission was granted, the traveler had to report to local military authorities upon his or her arrival at the approved destination. This system appears to be in the process of being phased out and replaced with a system of standard Indonesian identity cards (KTP). In areas where Fretilin operates however, residents reportedly are subject to even tighter controls; permits are needed for even local movement.

Contact between East Timor and Indonesia, as well as other countries, is strictly controlled. Telephone calls from Dili to Jakarta are closely monitored, as are postal communications. Permission is required both to leave and enter East Timor, and this control continues to be used to seal the territory off from

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* See id.

** Id.

the rest of the world. No human rights organization has been allowed inside East Timor, and few journalists have been able to visit. In recent years, the government has allowed several journalists and diplomats inside East Timor, but their visits were strictly regulated. Inacio de Moura, who worked in the Governor's office until December 1987 and accompanied visiting diplomats and journalists, says that their visits were programmed "down to the millimeter and to the second" by the Indonesian military. According to de Moura, visitors are accompanied by security agents in civilian dress, who ensure that certain areas -- even in Dili -- are not visited.* East Timor Governor Mario Viegas Carrascalao has recently called on President Suharto to open the territory to outsiders, but no decision has yet been made in response to his suggestion.

But the most far-reaching restraints are less tangible. They inhere in the intelligence network that pervades East Timor. Kopscam,** the military command of East Timor, maintains an extensive network of intelligence agents, and its local informants are believed to be omnipresent. It is scarcely an exaggeration to say that, whenever two or more Timorese are together, the suspicion exists that one may be an informant. Whether the perception is justified or not, it exists, and instills a brooding sense of apprehension in the daily lives of East Timor's residents. One recently-arrived refugee in Lisbon recalled, "Everything we used to do, everywhere we used to go and people we talked to -- they always knew."

Under these circumstances, speech is guarded, even among close friends. Although residents are not legally forbidden to listen to foreign broadcasts or to speak Portuguese, many avoid doing both, fearing that the secret police will infer a hostile attitude toward Indonesian authority. Residents also avoid meeting socially in even small groups; they say that Indonesian authorities regard such gatherings with suspicion.

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* Expresso, February 20, 1988.

** "Kopscam" is a contraction of Komando Operasi Keamanan Timur (Operations Command for the Security of East Timor).

Timorese thought to have reason to be sympathetic to Fretilin -- former political prisoners, for example, or relatives of guerrillas -- are periodically summoned for questioning by military authorities, including miliary intelligence agents. Timorese refugees also describe more aggressive manifestations of intimidation by Indonesian authorities. Every Timorese understands that he or she is expected to yield to military authorities in encounters on the road. "You can't overtake a military vehicle," one refugee explained. "In *Tetum* [the Timorese language], we refer to military vehicles as 'God's cars' and 'Holy Joe's cars.'"

Several refugees described an encounter last year between Governor Carrascalao's son, Pedro, and the West Dili commander of Koramil. They say that Pedro Carrascalao's car had begun to cross the Pont de Comoro bridge in Dili, which is wide enough to bear only one vehicle, when the military vehicle sought to cross from the other direction. Carrascalao refused to back off, and the military commander -- not recognizing the governor's son -- reportedly ordered two soldiers to beat him.

Pedro Carrascalao is said to have taken revenge: his bodyguards, members of the military police, reportedly returned the beatings. "But this only happened because Pedro happened to be the governor's son," one refugee explained.

Military personnel are also said to abuse sexually women in East Timor, particularly those whose husbands are detained. This reportedly happens especially often in "the interior." Although the victims are often married to political detainees, their own abuse is generally thought not to be politically motivated.

Some refugees interviewed in Lisbon in May 1988 from Dili and Baucau believe that the human rights situation in East Timor has improved in recent years, at least in their home towns. But each interview evoked stark images of the continuing harshness of Indonesian rule. The fact that virtually all of our contacts asked not to be identified in this report, fearing retaliation against relatives still in East Timor, was eloquent testimony to this.